

## **REMARKS**

Claims 1, 5, and 11 have been amended and claim 13 has been cancelled. Support for the amendment in claim 1 is found throughout the specification. The amendments to claims 5 and 11 were made to correct the dependency of claims that were dependent on claim 4 that was canceled in a prior response.

In the Final Office Action mailed August 14, 2007, claims 1-3, 5-9 and 13-16 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative under 35 U.S.C. § 103(a) as obvious over Halik et al (U.S. 3,384,574) (hereinafter the '574 patent). Applicants respectfully traverse this rejection in light of the claims as currently amended.

Claim 1, as currently amended, claims a kerosene heating oil composition. The '574 patent discloses jet fuel compositions prepared from straight run kerosene fractions, but it does not disclose a kerosene heating oil composition. The '574 patent does not anticipate claims 1-3, 5-9 and 13-16 as currently amended to be limited to kerosene heating oil compositions. In addition, the examiner has not met the burden of showing *prima facie* obviousness.

Claims 1-3, 5-9 and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kirk, Jr. (U.S. 3,985,638) (hereinafter the '638 patent) in combination with the '574 patent. Applicants respectfully traverse this rejection in light of the claims as currently amended.

Claim 1, as currently amended, claims a kerosene heating oil composition. The '638 patent discloses jet fuel compositions having high smoke points and low freeze points, but it does not disclose a kerosene heating oil composition. The '638 patent does not disclose claims 1-3, 5-9 and 13-16 as currently amended to be limited to kerosene heating oil compositions. Therefore the prior art references do not contain every limitation of claim 1, and the examiner has not met the burden of showing *prima facie* obviousness.

Claims 1-3, 5-9 and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schreiner (U.S. 5,713,964) (hereinafter the '964 patent). Applicants respectfully traverse this rejection in light of the claims as currently amended.

Claim 1, as currently amended, claims a kerosene heating oil composition. The '964 patent discloses firefighter training liquid hydrocarbon compositions containing *inter alia* a volatile iron compound, but it does not disclose a kerosene heating oil composition. The '964 patent does not disclose claims 1-3, 5-9 and 13-16 as currently amended to be limited to kerosene heating oil compositions. Therefore the prior art reference does not contain every limitation of claim 1, and the examiner has not met the burden of showing *prima facie* obviousness.

Claims 1-3, 5-9 and 13-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Berlowitz et al (U.S. 5,689,031) (hereinafter the '031 patent) in combination with either the '574 patent, the '638 patent, or the '964 patent. Applicants respectfully traverse this rejection in light of the claims as currently amended.

Claim 1, as currently amended, claims a kerosene heating oil composition. The '031 patent discloses a clean distillate useful as a diesel fuel or diesel blending stock, but it does not disclose a kerosene heating oil composition. The '031 patent does not disclose claims 1-3, 5-9 and 13-16 as currently amended to be limited to kerosene heating oil compositions. Therefore the prior art reference does not contain every limitation of claim 1, and the examiner has not met the burden of showing *prima facie* obviousness.

In addition, the Examiner submits that it is *prima facie* obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose. Applicants submit that this does not apply to the current application that specifically claims a kerosene heating oil composition that is not the same purpose as any of the prior art references.

In light of the above, Applicants respectfully request allowance of the amended claims of this application. Should the Examiner find any impediment to the allowance of this case that could be corrected by a telephone interview, the Examiner is requested to initiate such an interview with the undersigned.

Respectfully submitted,

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